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Customer No.: 26308

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bolduc et al.

Docket No.: 9494.17965-CIP 2

Serial No.: 10/669,881

Examiner: Unknown

Filed: 24 September 2003

Group Art Unit: 3731

Title: Catheter-Based Fastener Implantation Apparatus and Methods with Implantation Force Resolution

PETITION FOR AN UNINTENTIONALLY DELAYED BENEFIT CLAIM
PURSUANT TO 37 C.F.R. §1.78(a)(3)Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests to amend the benefit claim under 35 U.S.C. §120 of the above-noted application, as follows in marked-up form:

This application ~~claims the benefit~~ is a continuation-in-part of co-pending United States Patent Application Serial No. 10/307,226, filed November 29, 2002, entitled "Intraluminal Prosthesis Attachment Systems and Methods,". This application is also a continuation-in-part ~~claims the benefit~~ of co-pending United States Patent Application Serial No. 10/271,334, filed October 15, 2002, entitled "Endovascular Aneurysm Repair System," which claims the benefit of United States Provisional Application Serial No. 60/333,937, filed November 28, 2001. This application is also a continuation-in-part ~~claims the benefit~~ of co-pending United States Patent Application Serial No. 10/099,149, filed March 15, 2002, entitled "Systems and Methods for Applying a Suture within a Blood Vessel Lumen," which is a divisional

of United States Patent Application Serial No. 09/787,135, filed September 17, 1999, entitled "Endovascular Fastener Applicator," now U.S. Patent No. 6,592,593 which claims the benefit of U.S. Provisional Application Serial No. 60/101,050 filed September 18, 1998, ~~and which also claims the benefit of United States Patent Application Serial No. 09/640,554, filed August 18, 2000, entitled "Endovascular Device for Application of Prosthesis with Sutures" (now United States Patent 6,336,933), which is a continuation of United States Patent Application Serial No. 09/266,200, filed March 10, 1999, entitled "Endovascular Device for Application of Prosthesis with Sutures" (now abandoned), and which further claims the benefit of Argentine Patent Application Serial No. P19980101145, filed March 13, 1998, entitled "Endovascular Device for Application of Prosthesis with Sutures."~~ This application also claims the benefit of co-pending United States Provisional Application Serial No. 60/333,937 filed 28 November 2001.

The priority claim has been amended to more clearly state the relationship of related applications.

Applicant states that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 C.F.R. §1.78 and the date the claim was filed was unintentional.

Applicant hereby petitions for acceptance of the unintentionally delayed benefit claim.

The requisite fee under 37 C.F.R. §1.17(t) is submitted herewith.

Respectfully Submitted,

By Patricia A. Limbach
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12 November 2004

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APTUS/179(S)-QP 2/041112 Precision Under 37 C.F.R. 1.78(a)(i)



CERTIFICATE OF FIRST CLASS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, with sufficient postage, on the date indicated below in an envelope addressed as follows: Mail Stop Petition, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

By: Linda S. Wenzel

Dated: 12 November 2004

Linda S. Wenzel